

**Stephen P. Rickles**, OSB #79361  
strickles@aol.com  
THE RICKLES LAW FIRM, PC  
One SW Columbia Street, Suite 1850  
Portland, Oregon 97258-2001  
Telephone: 503.229.1850  
Facsimile: 503.229.1856  
Attorneys for Defendant

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

DEBORAH ROALSEN,

Plaintiff,

Case No. CV04 1303 MO

v.

DEFENDANT'S MOTION IN LIMINE  
AND ALTERNATIVE MOTION FOR  
FRE 104 HEARING

DICK HANNAH DEALERSHIPS, dba  
HANNAH MOTOR COMPANY,

Defendant.

Defendant hereby moves the court for an evidentiary pretrial hearing and/or for an order excluding the following evidence or argument about such evidence or claims:

1. The EEOC investigator's reasonable cause determination letter.  
FRE 402, 403, 701, and 802.

2. Testimony or other evidence in the form of an opinion, feeling or belief that the defendant and/or any of its managers or employees discriminated against or intended to discriminate against the plaintiff. FRE 402, 403, 701, and 702.

3. Hearsay testimony or evidence from defendant's former employees concerning events occurring during their employment with defendant. FRE 402, 403, 701, and 802.

4. Testimony or other evidence concerning prior "bad acts" on the part of defendant and/or any of its managers or employees that are unrelated to the plaintiff, or which relate to alleged discrimination against other employees. FRE 403, 404.

5. Testimony or other evidence to the effect that the plaintiff was constructively discharged or was effectively forced to quit her employment with defendant as a result of the alleged discrimination and/or retaliation. FRE 403, 404.

6. Testimony or other evidence of discrete acts of alleged discrimination against the plaintiff by defendant that occurred, or allegedly occurred more than 300 days prior to the date on which the plaintiff formally filed her complaint with the EEOC. FRE 402, 403.

Defendant additionally and alternatively moves for a FRE 104 hearing to be conducted prior to the admission of any evidence falling within the preceding categories, so as to enable the court and defendant to assess the admissibility of such evidence before it is presented or mentioned to the jury.

In support of this motion, defendant has filed concurrently herewith its Memorandum in Support of Motion in Limine.

**DATED** this 27<sup>th</sup> day of March, 2006.

**THE RICKLES LAW FIRM, PC**

By: /s/ Martin W. Jaqua for  
Stephen P. Rickles, OSB #79361  
strickles@aol.com  
Of Attorneys for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing DEFENDANT'S MOTION IN LIMINE AND ALTERNATIVE MOTION FOR FRE 104 HEARING on the following parties on the 27th day of March, 2006, by:

- ☐ Mail – placed in a sealed envelope with postage prepaid, deposited in the U.S. Mail at Portland, Oregon
- ☒ Electronic service pursuant to LR 100.13
- ☐ Hand delivery
- ☐ Facsimile transmission
- ☐ Overnight delivery

I further certify that said copy was served as indicated above and addressed to said attorneys at the addresses listed below:

Craig A. Crispin, Esq.  
Charese Rohny, Esq.  
Crispin Employment Lawyers  
9600 SW Oak St., Suite 500  
Portland, Oregon 97223

By: /s/ Martin W. Jaqua for  
Stephen P. Rickles, OSB #79361  
strickles@aol.com  
Of Attorneys for Defendant